



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

GARY HARGREAVES, JOSEPH BEAUDOIN :
AND MICHAEL O'BRIEN :
COMPLAINANTS :
V. :
LOCAL 789, IAFF NASHUA :
and :
NASHUA BOARD OF FIRE COMMISSIONERS :
RESPONDENTS :

CASE No. F-0131

DECISION No. 88-09

APPEARANCES

Representing the Complainants:

Emmanuel Krasner, Esq.

Representing Local 789 IAFF:

Vincent A. Wenners, Esq.

Representing Nashua Board of Fire Commissioners:

Mark J. Bennett, Esq.

Also Appearing:

Dolores Rose Price, Commissioner
Richard Navaroli, Fire Chief
Gary D. Hargreaves, Local 789, Complainant
Joseph Beaudoin, Local 789, Complainant
Michael B. O'Brien, Sr., Local 789, Complainant
Donald McAllister, President, Local 789
Ronald Sage, Local 789
Gary Rafferty, Local 789
Michael B. Mansfield, Local 789

BACKGROUND

A Fair Representation case was filed on January 15, 1988 by Attorney Krasner on behalf of three firefighters in the Nashua Fire Department seeking a PELRB order to let the original promotional test results stand and no new testing be done; or in the alternative, if a new test is to be given, that only those persons who took the original test be allowed to take the new test.

In an agreement reached between Local 789, IAFF and the Board of Fire Commissioners, in settlement of a grievance filed on behalf of Firefighter Leslie Blundon essentially challenging the validity of the test, the results were to be set aside, a new test would be administered and the local would not forward any grievances relating to the retesting.

New Hampshire Fire Standards and Training have scheduled a new test for February 18, 1988.

A pre-hearing conference was held February 16, 1988 in the offices of Sheehan, Phinney, Bass and Green in Manchester with PELRB. Counsel, Bradford E. Cook appointed as Hearing Officer and Executive Director, Evelyn C. LeBrun present.

After hearing arguments from Counsels for the Complainants and Respondents on whether the retesting should go forward as scheduled, the following order was issued:

HEARING OFFICER RECOMMENDED ORDER

The Hearing Officer recommends to the full PELRB that a temporary order be entered in this matter as follows:

1. No retest shall be conducted as set forth in the complaint until resolution of the procedures ordered hereunder.
2. The petitioners shall have until five o'clock p.m. on March 1, 1988 to file written grievances under the contract grievance procedure.
3. The Union and grievants shall confer and attempt to agree upon a method for representation in the grievance procedure, failure to agree upon such a procedure shall allow grievants to be represented by counsel of their own choice.
4. The case before the PELRB shall be continued until completion of the grievance process ordered hereunder.

BOARD DECISION

The above recommendations of Hearing Officer Cook are hereby unanimously approved.

John Buckley, Chairman; members Richard W. Roulx and Richard E. Molan, Esq.

Signed this 18th day of February, 1988.


John Buckley, Alternate Chairman